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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,999	02/04/2004	Nathan Taylor	NATNAN P01AUS	5161
20210	7590	06/29/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			PAHNG, JASON Y	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/771,999

Applicant(s)

TAYLOR, NATHAN

Examiner

Jason Y. Pahng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/4/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I, claims 1-9, in the reply filed on March 3, 2006 is acknowledged. The traversal is on the ground(s) that the apparatus of claim 1 could not be made in a different method from claim 10. This is not found persuasive because the apparatus of claim 1 can be made without using separate mold sections. One can begin with a large mold section. After a releasable fastening mechanism is secured so that sections won't fly away while cutting the sections, the large mold section may be cut to make separated sections.

Applicant argues that this method does not satisfy claim 1 because claim 1 specifically requires "a plurality of separate mold sections ... ". This argument is not understood because the above alternate method produces a plurality of separate mold sections at the end of the process.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled

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"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 5 is objected to because of the following informalities: the phrase, "each mold section" (line 1), should be "each of the plurality of mold sections" in order to clarify and avoid antecedent basis issue. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 5, what is therebetween? Does this "therebetween" refer to the top and bottom sections in claim 1? Or does the "therebetween" refer to the top and bottom surface?

With regard to claim 7, there is no antecedent basis for "the bottom edge" (line 2), "the next adjacent mold section" (lines 2 and 3), "the sidewall portions" (line 3), and "the contiguous mold sidewall" (lines 4 and 5).

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With regard to claim 8, there is no antecedent basis for "the basket mold" in line 3.

With regard to claim 8, is the "bolt" in line 4 the same an element of the "releasable fastening mechanism" in line 5 of claim 1? Of does this apparatus have two separate fastening mechanisms?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Breezer et al. (US 5,351,628).

With regard to claim 1, Breezer discloses a mold capable of being expanded including:

1. a plurality of separate mold sections (A, B, C, modified Figure 1 below) comprising a bottom section (C, modified Figure 1 below) and a top section (A, modified Figure 1 below) defining a sidewall extending therebetween (modified Figure 1 below);
2. the sections are secured together by a releasable fastening mechanism (58).

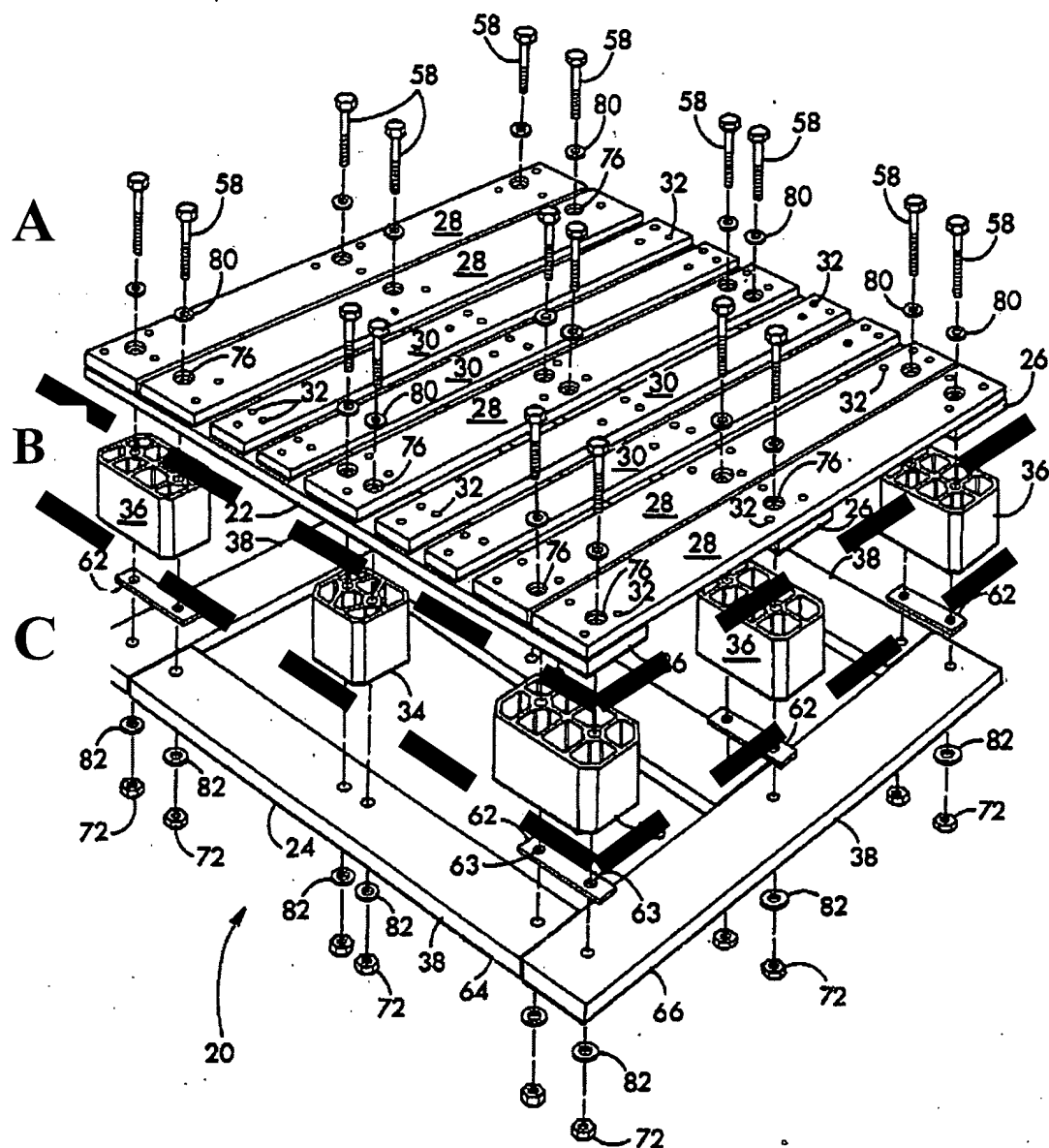


FIG. 1

With regard to claims 2 and 8, Breezer discloses a passage defining a throughbore (Figure 1).

With regard to claim 3, Breezer discloses an intermediate mold section (B, modified Figure 1).

With regard to claim 4, Breezer discloses a first mold defined by the bottom section (C, modified Figure 1) and the top section (A, modified Figure 1). Breezer also discloses a second mold defined by another separate mold section (B, modified Figure 1) in addition to the first mold.

With regard to claim 5, as well as can be understood, Breezer discloses a mold section comprising a substantially planar top and bottom surface (Figure 1).

With regard to claim 6, Breezer discloses a top surface of each mold sections having a top edge profile substantially matching a lower edge profile of the next adjacent mold section (Figure 1).

With regard to claim 7, as well as can be understood, Breezer discloses a top surface of each mold section aligned with a bottom surface of an adjacent mold section (Figure 1). The sidewall portions of mold sections define a mold sidewall (Figure 1).

With regard to claim 9, Breezer discloses a larger diameter defining a counter sunk portion into which a head of a bolt may be situated (Figure 7).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272


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4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JYP

  
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